

NOTICE OF OBJECTION TO CONFIRMATION

M&T BANK has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

File with the Court an answer, explaining your position at:

**Clerk  
U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054

Marie-Ann Greenberg  
Chapter 13 Standing Trustee  
30 Two Bridges Rd  
Suite 330  
Fairfield, NJ 07004

Attend the hearing scheduled to be held on 06/07/2018 in the NEWARK Bankruptcy Court,  
at the following address:

**U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: May 29, 2018

/s/ Nicholas V. Rogers  
Nicholas V. Rogers, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 42689  
Fax: 856-813-5501  
Email: nicholas.rogers@phelanhallinan.com

**File No. 809717**

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road  
Mt. Laurel, NJ 08054  
856-813-5500  
FAX Number 856-813-5501  
M&T BANK

In Re:  
David R Borzotta  
Lisa A Borzotta  
  
Debtors

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

Chapter 13

Case No. 18-14123 - VFP  
Hearing Date: 06/07/2018

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, M&T BANK, the holder of a Mortgage on debtors residence located at 41 HIGHLAND AVENUE, MIDLAND PARK, NJ 07432 hereby objects to the Confirmation of the debtors proposed Chapter 13 Plan on the following grounds:

1. On May 10, 2018, Secured Creditor filed a Proof of Claim listing pre-petition arrears in the amount of \$115,024.06.
2. Debtors' Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5). Secured Creditor objects to Debtors' Modified Plan as it is underfunded. Debtors' Plan should be amended to fully fund the arrears owed to Secured Creditor. Absent a modification by the Debtor, confirmation of Debtors' proposed Plan should be denied.
3. Debtors' Plan provides for the Debtors' pursuit of a loan modification. Debtors' Plan is speculative in nature in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved.
4. Debtor's Plan fails to provide for the full monthly post-petition payment owed to Secured Creditor under the terms of the Note and Mortgage. Secured Creditor objects to any post-petition payment amount less than the full amount required. Accordingly, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, M&T BANK respectfully requests that the Confirmation of Debtors Plan be denied.

/s/ Nicholas V. Rogers  
Nicholas V. Rogers, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 42689  
Fax: 856-813-5501  
Email: nicholas.rogers@phelanhallinan.com

Dated: May 29, 2018

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
<b>Caption in Compliance with D.N.J. LBR 9004-1(b)</b>	
809717 Phelan Hallinan Diamond & Jones, PC 400 Fellowship Road, Suite 100 Mt. Laurel, NJ 08054 856-813-5500 Attorneys for M&T BANK	
In Re:  David R Borzotta Lisa A Borzotta	Case No: 18-14123 - VFP  Hearing Date: _____  Judge: Vincent F. Papalia  Chapter: 13

### **CERTIFICATION OF SERVICE**

1. I, MIGUEL ZAVALA:

represent the \_\_\_\_\_ in the above-captioned matter.

am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents M&T BANK in the above captioned matter.

am the \_\_\_\_\_ in the above case and am representing myself.

2. On May 29, 2018 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: May 29, 2018

/s/ MIGUEL ZAVALA  
MIGUEL ZAVALA

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Lisa A Borzotta a/k/a Lisa Borzotta 41 Highland Avenue Midland Park, NJ 07432	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
David R Borzotta a/k/a David Borzotta 41 Highland Avenue Midland Park, NJ 07432	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Ronald I. LeVine, Esquire 210 River Street Suite 11 Hackensack, NJ 07601	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Robert Wachtel, Esquire 210 River Street Hackensack, NJ 07601	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.